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Docket Management System
U.S. Department of Transportation
Room PL 401
400 Seventh Street S.W.
Washington, DC 20590-000 1

**Notice of Proposed Rulemaking, Docket No. FAA-1999-6622, General
Rulemaking Procedures**

The National Air Transportation Association (NATA) represents the interests of over 2000 aviation businesses nationwide including scheduled and on-demand air carriers operating under 14 CFR Part 135, maintenance facilities operating under both 14 CFR Part 65 and Part 145, flight schools, fixed base operations, and airline service companies.

NATA is pleased with the plain language format of the proposed rule. The proposal eliminates redundancy, is easier to understand and, in general, should promote public participation in the rulemaking process.

The Association believes that the Agency has the opportunity to improve several deficiencies contained in Part 11. The Federal Aviation Regulations (FARs) are recognized worldwide as the first and foremost aviation regulation that originated with the United States Congress (in the Federal Aviation Act).

The Federal Aviation Administration actions are constantly monitored by foreign governments, businesses, and individuals that often object to the success of U.S. aviation and aerospace companies. NATA is concerned with the Agency's practice of inviting and encouraging foreign governments and foreign nationals who do not hold an FAA-issued certificate to not only comment on proposed regulations but also participate in rulemaking advisory committees. The Association and its membership are troubled by the Agency's approval of representatives of foreign governments chairing rulemaking advisory committees whose primary purpose is to dispose of comments submitted by citizens and businesses of the United States.

Since the Federal Aviation Regulations are an extension of the United States Code, the Association submits that the Federal Aviation Administration's action of encouraging foreign governments to develop proposals that regulate U.S. citizens then dispose of those comments received during rulemaking activity has, in effect, waived the sovereign immunity of the United States.

To recognize the global importance of United States aviation regulations and not compromise the sovereignty of the United States and its citizens, NATA recommends that Section 11.15 be amended to prohibit the chairing of rulemaking advisory committees by a foreign government or a company owned by a foreign government.

In addition, Section 11.41 should be amended so that comments submitted by United States citizens and businesses are considered before comments submitted by foreign governments, businesses, or citizens not holding an FAA-issued certificate for conducting operations in the United States. The interest of foreign nationals is not necessarily in the best interest of United States citizens, aviation businesses, or the economy. A proposed regulation that is based on quantifiable safety data should not be rejected, amended, or altered simply because a competing foreign government believes that the proposal is not compatible with the laws and regulations of their country.

Section 11.3 should be amended to include Advisory Circulars and to clarify what FAA documents are not covered by this rule or by the Administrative Procedures Act. The Association is concerned regarding the confusion generated when FAA inspectors cite internal FAA directives and policies when regulating the public. NATA recognizes that internal directives and policies appear to be outside of the scope of this proposal; however, the inappropriate actions of individual inspectors justifies a brief discussion of the role and applicability of rules, regulations, advisory circulars, and internal directives and policies.

NATA is encouraged by the proposed simplification of Part 11. The plain language model is clear, understandable, and should encourage greater public participation in the guiding of the Agency in accomplishing its assigned tasks. The Association is looking forward to working with the Agency to enhance the quality of rulemaking activity.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew V. Cebula', written in a cursive style.

Andrew V. Cebula
Vice President